

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF THE AL-JORDAN REALTY CORPORATION
FOR THE AUTHORIZATION AND APPROVAL OF A
PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER.ED.), AS
AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960 AS AMENDED
TO BE UNDERTAKEN AND CARRIED OUT BY THE APPLICANT

A. The Hearing - A public hearing was held at 2:00 P.M. on April 17, 1975, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on Application, (hereinafter called the "Application"), filed by the Al-Jordan Realty Corporation, (which Corporation within the meaning of Section 3 of said Chapter 121A is hereinafter referred to as the "Applicant"), for Authorization and Approval of a Redevelopment Project under "Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project")", due notice of said hearing having been given previously by publication on April 1, 1975, and April 8, 1975 in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for Securing the Approval of Chapter 121A Projects, and in accordance with the provisions of Section 13, of Chapter 13 of Chapter 652 of the Acts of 1960, as amended

members of the Authority, were present throughout the hearing.

B. The Project - The Project for which the Authority's Authorization and approval are sought consists of the following:

- 1) The transfer to the 121A Corporation by Affiliates thereof of fee title to the Project Area (except a portion of the premises known as the Winthrop Parcel and described in Exhibit A to the Application). The track of land, as shown on said Exhibit A is bounded by Washington, Summer, Chauncy and Avon Streets, and is hereinafter referred to as the Project Area.

2) The demolition by the 121A Corporation of the improvements on the Old Main and Shuman parcels, as described in Exhibit A to the Application.

3) The reconstruction on the Old Main and Shuman parcel and the rehabilitation of Units I, II and III, as described in Exhibit A to the Application of a retail facility with a total floor space of approximately 750,000 to 800,000 square feet. The new structure on the Old Main and Shuman parcels will consist of a partial sub-basement, basement, main and second floor.

C. Authority Action - Before making the findings and determinations hereinbelow set forth and approving the Application; the Authority has considered the Application itself, all documents, plans and exhibits filed with or referred to in it, the model of the project displayed at the hearing, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority are also personally familiar with the Project Area and surrounding neighborhood.

D. Project Area - Decadent Area - The Authority does hereby find that the Project Area constitutes a decadent area within the definition contained in Section 1 of Chapter 121A in that the area is detrimental to the safety, health, morals, welfare and sound growth of the community by reason of the following conditions:

1) The Project Area is within an area described in the Central Business District Urban Renewal Plan as developed by the Authority both in a 1965 Application for Early Land Acquisition and a 1967 Part I Application for Loan and Grant to the federal government. While the applications were not approved for federal funding, they were approved by the Authority and the City Council,

and include findings, that the Central Business District, of which the Project Area is a part, is a blighted, deteriorated or deteriorating area. These findings are based upon the facts that the Central Business District is overcrowded, containing; incompatible and detrimental land uses which impede modern development; obsolete buildings, many of which are deficient and substandard; deficient streets for vehicular traffic; inadequate walkways for pedestrian traffic and inadequate utilities. The planning objectives of the area in which the Project Area is located called for improvements of pedestrian and vehicular traffic and opportunities for development of new commercial facilities.

2) In preparing the Central Business District Urban Renewal Plan the Boston Redevelopment Authority and consultants inspected the Main and Shuman buildings which are scheduled for demolition. Included as part of the findings in the Plan are the findings that the Main and Shuman buildings were deficient for a number of reasons. The inspection revealed that walls were cracking, floors sagging, windows were inoperable, stairways were inadequate and electrical and plumbing equipment was outdated and inefficient. As part of the review of the 121A Application the, the Boston Redevelopment Authority again inspected the buildings and found that deficiencies noted ten years earlier still existed and in fact the buildings were in worse condition. Both buildings are over 100 years old, are obsolete and insufficient to a degree that restoration and remodeling is economically infeasible. Many of the repairs needed such as installation of new elevators, are physically impossible because the buildings could not support modern equipment.

In view of the foregoing, the Authority finds that the Project, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it does for the construction in a decadent area of a decent, safe and sanitary commercial building and appurtenant facilities and the rehabilitation

of Units I, II and III as a necessary element of the redevelopment activity, as shall be in the public interest, and the operation and maintenance of such buildings after construction.

There are conditions which warrant the carrying out of the Project. The purposes of said Chapter 121A and said Chapter 652 will be met. It will involve the construction of a modern Retail facility in an area of the City recognized as deteriorated or deteriorating. The building will help prevent the spread of blight in the area and help restore the deteriorating area to a sound condition. The building will be a decent, safe and sanitary structure consistent with other efforts in the area to improve the character of the downtown commercial and retail area. By removal of blight and decadence, the Project is expected to act as an incentive to the sound growth and redevelopment of the area in vicinity of the Project Area. It is anticipated that the project will eventually be linked with other plans for development in the area.

The Project will provide a substantial financial return to the City. Exhibit G of the Application, sets forth the amounts to be paid by agreement with the City of Boston in addition to the excise prescribed in Section 10 of Chapter 121A. In summary, the Applicant will pay the amount determined as hereinafter set forth exceeds the excise payable under Section 10.

- i. for the period prior to commencement of construction
\$1,705,000 per calendar year;
- ii. during the period of construction of the Project, which shall not exceed 30 months except for unavoidable delays, \$1,125,000 per calendar year;
- iii. after completion of construction of the Project \$1,600,000 per calendar year plus, if sales exceed \$60,000,000 one-half of one percent of the first \$40,000,000 of of such excess and one-quarter of one percent of any balance of such excess.

If construction of the Project shall commence or be completed other than at the beginning or end of a calendar year, the amounts provided in clauses i and ii shall be apportioned appropriately.

Exhibit G of the Application is attached only for illustrative purposes.

The contract concerning the tax arrangement for the Project is between the City and the Applicant. Approval of this Report and Decision does not bind the Authority, the City or the Applicant to the terms or conditions of Exhibit G.

E. Eminent Domain - The Applicants have requested approval of the Authority pursuant to Section 11 of Chapter 121A for the 121A Corporation to take the Winthrop Parcel, designated as Parcel 4 in Exhibit A of the Application, by eminent domain. The Authority recognizes that the building which is located in part on the Winthrop parcel will have to be extensively improved as an integral part of the Project which is described in the 121A Application. It is understood that the leasehold for the Winthrop parcel expires prior to the 40 year tax agreement anticipated by the Chapter 121A Application and that the financing of the overall Project may be adversely affected as a result of diversity of ownership within the Project Area.

The Authority recognizes the importance of the Applicants request for eminent domain power over the specific parcel and is of the opinion that such power may be necessary. However, before the Authority can grant such eminent domain power, state and federal policies require that prior to the taking of land by eminent domain efforts must be made to negotiate in good faith a sale of the land required for development. If negotiations take place and written evidence is presented to the Authority that although the Applicants negotiated in good faith and satisfied all state and federal requirements, an agreement was not able to be reached, the Authority will then act upon the Applicants request for eminent domain power.

F. Cost of the Project - In the opinion of the Authority the cost of the Project has been realistically estimated in the Application and the Project is practicable at an estimated total development cost of \$30,000,000. The Project financing will be provided from three sources: (1) Capital contributions to the 121A Corporation by Allied Stores Corporation or its affiliates, (2) Conventional mortgage financing and (3) Funds generated internally by the 121A Corporation. In view of the high rates and uncertainties prevalent in the capital markets

at this time, the Applicants have deferred the making of commitments in respect of conventional mortgage financing. At such time that the methods and sources of financing mature, the Applicants will advise the Authority of the disposition thereof and provide a schedule of the capital contributions which will be made to the 121A Corporation. In no event shall the borrowings by the 121A Corporation exceed 90% of the estimated cost of the Project.

- G. Consistency with Master Plan - The Project does not conflict with the Master Plan of the City of Boston, which places the Project Area in a General Business District, and allows the kind of building and uses proposed.
- H. Effect of the Project - The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will constitute a public benefit. The structure to be erected under the Project is an attractive, efficiently designed building, and will enhance the general appearance of the area. The new single block complex will incorporate a complete truck ramp to the Jordan Marsh sub-basement. The truck ramp will remove Jordan Marsh Company's current Chauncy Street truck ramp to an off street portion and benefit pedestrian and vehicular traffic.

The design of the Project has been reviewed and approved by the Design Review Staff of the Authority.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

The carrying out of the Project will not or itself involve the destruction of buildings occupied in whole or in part as dwellings. The structures demolished are retail facilities.

The carrying out of the Project will not require the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building or a type which could be considered as a separate building under

Therefore the Authority concludes that the Project will not cause any the Boston Building Code and the Zoning Law for the purposes of Chapter 138 of the General Laws.

I. Environmental Considerations - Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

- 1.) The Project is not near a recreational area, and does not adversely affect any aesthetic values in the surrounding area.
- 2.) There are no unique natural or man made features affected by the Project.
- 3.) There are no archaeological structures or sites in the Project Area.

No structure on or adjacent to the site is listed on the National Register of Historic Places.

- 4.) There are no scarce natural resources in the Project Area.
- 5.) No endangered wildlife, or fish exist in the Project Area.
- 6.) There are no fish, wildlife or plants in the Project Area.
- 7.) Being urban, the Project has no impact on any wilderness areas.
- 8.) The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

9.) The Project does not require certification, authorization or issuance of permit by any local, state or federal environmental control agency.

10.) The Project does not involve the disposal of potentially hazardous materials.

11.) The Project does not involve the construction of facilities in a flood plain.

12.) The Project, except necessarily during construction, will not result in the generation of a significant amount of noise, or dust.

13.) The Project does not affect an area of important scenic value.

14.) Disruption of traffic during demolition and construction will be held to a minimum in that equipment will operate from the Avon Street end of the Project Area. Although Avon Street will be closed as a public way, emergency access will be permitted in accordance with regulations of the Boston Fire Department.

Therefore the Authority concludes that the Project will not cause any environmental damage and in its opinion no further reports need to be filed as a result of investigation and report of the Authority staff and of its own knowledge. The Authority further finds that other than publication of a notice in conformity with the rules and regulations adopted by the Authority no other action must be taken. The Authority hereby determines that the Project will not cause any significant environmental damage.

J. Minimum Standards - The minimum standards for financing, construction, operation and maintenance of the Project, set forth in Exhibit F, filed with and attached to the Application; are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652.

K. Zoning and Building Code Deviations - Exhibit E filed with and attached to the Application lists the Zoning Deviations. For the reasons set forth in the Application and supporting Documents, including said Exhibit E, and on the basis of the evidence presented at the Hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws.

In summary, the Zoning Deviations from which permission is sought, are as follows:

- (1) On Washington Street the new building line will be: beyond the property line in the basement; 6'-0"± within the property line of the first floor; 2'-0" beyond the property line at the second floor and all other higher floors, up to and including the seventh.
- (2) On Summer Street the new building line will be: on the property line in the basement; 12'-8"± behind the property line where it joins existing UNIT II, varying to 8'-8"± at corner of Washington Street, all on the first floor; on the property line from the second floor to the seventh floor inclusive.

- (3) On the Avon Street side the new building line will be on the property line at all floors.

(Insofar as the formula for setbacks of buildings from Street Lines, as set forth in Article #21 of the Boston Zoning Code and Enabling Act, applies to setbacks from Washington, Summer and Avon Streets, the formula is to be varied or voided to meet the requirements of items (1), (2), (3) above.)

The original Exhibit E as filed with the Application included the request for permission to deviate from certain Building Codes and Fire Laws. As a result of negotiations with the Building Department and Fire Department the Building Code and Fire Law deviations requested have changed from those originally submitted and the Applicants have submitted an amended Exhibit E which is attached to this Report and Decision and which now contains the request for permission to deviate from the following Building Code provisions and fire Laws.

- (1) Section 922, Commonwealth of Massachusetts, State Building Code, Interior Finish and Trim, Table 9-3, Use Group C, Mercantile Walls, is to be varied to the extent that Interior Finish Requirements on Walls, Stock Shelving, Stock Shelving Supports, be of Class IV instead of Class III.
- (2) Section 215.0, Table 2-5, Commonwealth of Massachusetts, State Building Code, Fire Resistance Ratings of Structural Elements, is to be varied to convert the use of two mezzanine floor areas in the Sub-Basement of Building Unit III from stock storage to Buyers' Offices, and erect similar construction to connect the two areas. The mezzanines are built with structural steel frame, structural metal deck, with plywood flooring, with sprinklers under mezzanine floors, and at ceilings of mezzanines. The area of the completed mezzanine would be 4664 s.f. Walls to be covered with fire coded sheetrock, areas to be air

conditioned, lighted, with the usual decor amenities.

- (3) Section 215.0, Table 2-5, Commonwealth of Massachusetts, State Building Code, Fire Resistance Ratings of Structural Elements, is to be varied to permit existing wood stud partitions to be shortened, extended, or varied in direction, using the same type of materials as were originally used.
- (4) Section 607.4, Commonwealth of Massachusetts, State Building Code, Floors Below Grade is to be varied to permit the Length of Travel to existing exitways from Buyer's Offices in the existing Sub-Base-ment areas of Jordan Marsh Building Units, I, II, and III to be increased from 75' to 105'.
- (5) Section 607.3 of the Commonwealth of Massachusetts State Building Code, Length of Travel, Table 6-2, Maximum Allowable Exitway, because the maximum Length of Travel, from one of five Avon Street stairtowers to the exterior is 225', whereas the maximum allowable Length of Travel is 150' for fully sprinklered buildings; in addition, a variation is required from Section 609.3.2 of the Boston Building Code, Maximum Allowable Exitway Access Travel Distance, Table 6-2, wherein the maximum Travel Distance permitted is 200' for sprinklered buildings.

It is essential to the Chapter 121A Project that the existing Jordan Marsh exits and egresses to Avon Street be accommodated by fire corridors to be constructed as part of the future abutting development in accordance with the attached plan, titled "Required Grade Exit Passageways for Egress From Southerly Side of Jordan Marsh Building", numbered EP-1, dated June 14, 1974.

The fire corridors will be part of the Project in that they will be appurtenant to the Project, as defined by Section 1 of Chapter 121A.

General

- (1) The demolition of existing Main and Shuman Buildings, and the following excavation, foundation and structural work will be done on a continuous around-the-clock basis, if Jordan Marsh elects to do so.
- (2) To afford proper ingress and egress between Chauncy Street and the truck ramp to Sub-Basement, the sidewalk contour is to be changed to accomodate the slope of the truck ramp from Chauncy Street to the Sub-Basement.
- (3) The space at the Jordan Marsh Basement level located between the Jordan Marsh Westerly Property Line and the Easterly sidewall of the MBTA Washington Street Tunnel currently in use as part of of the Jordan Marsh Basement Floor Space will continue to be used in the same manner in the reconstructed building.

For reasons set forth in the Application and supporting documents including the Amendment to said Exhibit E, and on the basis of evidence presented at the Hearing, and in this Report the Authority further finds that each and every one of the permissions above requested is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable laws and codes.

Statement of All Permissions which, so far as known to the Applicants, will be Required for the Project to Deviate from Zoning, Building, Health and Fire Laws, Codes, Ordinances and Regulations as in Effect in the City of Boston.

Boston Zoning Code.

- (1) On Washington Street the new building line will be: beyond the property line in the basement; 6'-0"± within the property line of the first floor; 2'-0" beyond the property line at the second floor and all other higher floors, up to and including the seventh.
- (2) On Summer Street the new building line will be: on the property line in the basement; 12'-8"± behind the property line where it joins existing UNIT II, varying to 8'-8"± at corner of Washington Street, all on the first floor; on the property line from the second floor to the seventh floor inclusive.
- (3) On the Avon Street side the new building line will be on the property line at all floors.

(Insofar as the formula for setbacks of buildings from Street Lines, as set forth in Article #21 of the Boston Zoning Code and Enabling Act, applies to setbacks from Washington, Summer and Avon Streets, the formula is to be varied or voided to meet the requirements of items (1), (2), (3) above.)

Building Code and Fire Laws.

- (1) Section 922, Commonwealth of Massachusetts, State Building Code, Interior Finish and Trim, Table 9-3, Use Group C, Mercantile Walls, is to be varied to the extent that Interior Finish Requirements on Walls, Stock Shelving, Stock Shelving Supports, be of Class IV instead of Class III.
- (2) Section 215.0, Table 2-5, Commonwealth of Massachusetts, State Building Code, Fire Resistance Ratings of Structural Elements, is to be varied to convert the use of two mezzanine floor areas in the Sub-Basement of Building Unit III from stock storage to Buyers' Offices, and erect similar construction to connect the two areas. The mezzanines are built with structural steel frame, structural metal deck, with plywood flooring, with sprinklers under mezzanine floors, and at ceilings of mezzanines. The area of the completed mezzanine would be 4664 s.f. Walls to be covered with fire coded sheetrock, areas to be air conditioned, lighted, with the usual decor amenities.
- (3) Section 215.0, Table 2-5, Commonwealth of Massachusetts, State Building Code, Fire Resistance Ratings of Structural Elements, is to be varied to permit existing wood stud partitions to be shortened, extended, or varied in direction, using the same type of materials as were originally used.
- (4) Section 607.4, Commonwealth of Massachusetts, State Building Code, Floors Below Grade is to be varied to permit the Length of Travel to existing exitways from Buyer's Offices in the existing Sub-Basement areas of Jordan Marsh Building Units I, II, and III to be increased from 75' to 105'.

- (5) It is essential to this Chapter 121-A project that the existing Jordan Marsh exits and egresses to Avon Street be accommodated by fire corridors to be constructed as part of the abutting development in accordance with the attached plan, titled "Required Grade Exit Passageways for Egress From Southerly Side of Jordan Marsh Building", numbered EP-1, dated June 14, 1974. Accordingly, in order to permit the overall complex, the proposed Al-Jordan Realty Corporation (Chapter 121-A Corporation) requires a variation from Section 607.3 of the Commonwealth of Massachusetts State Building Code, Length of Travel, Table 6-2, Maximum Allowable Exitway, because the maximum Length of Travel, from one of five Avon Street stairtowers to the exterior is 225', whereas the maximum allowable Length of Travel is 150' for fully sprinklered buildings; in addition, a variation is required from Section 609.3.2 of the Boston Building Code, Maximum Allowable Exitway Access Travel Distance, Table 6-2, wherein the maximum Travel Distance permitted is 200' for sprinklered buildings.

General

- (1) The demolition of existing Main and Shuman buildings, and the following excavation, foundation and structural work will be done on a continuous around-the-clock basis, if Jordan Marsh elects to do so.
- (2) To afford proper ingress and egress between Chauncy Street and the truck ramp to Sub-Basement, the sidewalk contour is to be changed to accommodate the slope of the truck ramp from Chauncy Street to the Sub-Basement.
- (3) The space at the Jordan Marsh Basement level located between the Jordan Marsh Westerly Property Line and the Easterly sidewall of the MBTA Washington Street Tunnel currently in use as part of the Jordan Marsh Basement Floor Space will continue to be used in the same manner in the reconstructed building.

4/14/75

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: AL-JORDAN REALTY CORPORATION
APPROVAL OF REPORT AND DECISION AND THE FIRST AMENDMENT
TO THE APPLICATION WITH STATEMENT OF NO SIGNIFICANT
ENVIRONMENTAL IMPACT

On April 17, 1975, a public hearing was held for approval of the formation of the Al-Jordan Realty Corporation pursuant to Chapter 121A of the General Laws of Massachusetts.

The Applicants sought consent for the formation of a Corporation which entity would demolish existing structures on Washington Street between Avon and Summer Streets and construct a new retail facility which will include a partial sub-basement, basement main and second floor. The facility is to be leased by the 121A Corporation to the Jordan Marsh Company.

Included in this Report and Decision is reference to modification to deviations originally contained in Exhibit E of the Application. These modifications are the result of negotiations with the Building and Fire Departments and the BRA Design Review Staff. The Building Codes contained in the Amendment, from which permission is requested to deviate, replaces those previously requested in the original Exhibit E. The request for permission to deviate from the Boston Zoning Code remains unchanged from the original Exhibit E. The revised deviations have been reviewed and approved by the Urban Design and the Engineering Staffs. In the opinion of the Chief General Counsel, the request for modifications to the subject deviations constitute a minor amendment to the Application.

The Authority staff has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal for the Al-Jordan Realty Corporation has thus been examined both as to its Environmental Impact and as to its compliance with 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision with the First Amendment to the Application for the Al-Jordan Realty Corporation and approve the Project as having no significant Environmental Impact.

An Appropriate Vote is Attached.

Attachment

